

Harold Weisberg
Rt. 8, Frederick, Md. 21701
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Dear Mr. Shattuck,

Often in the four months since our meeting and my hasty writing of the long letter for which you then asked, I have thought of and wondered about your silence. If you intended answering, I have received no answer.

What reminds me again is the squib in today's Washington Post about Marchetti's continuing troubles, the continuing interference with his first-amendment rights in particular.

Lawyers have their ways of looking at things, writers and investigators other ways. I believe that had it been possible to proceed with what I proposed, there might by now have been some benefit to Marchetti and others. You can't begin to understand the nature of the evidence we could have used and its clear meaning. Nor would it have been limited to CIA.

While it is a natural presumption that silence does not in this case mean assent, I would appreciate it if you would formalize the ACLU's position.

This is so reminiscent of the Washington ACLU's failure to respond to my proposal for using 5 U.S.C. 552 upon its enactment, again when I was asked to write. How different the state of that law if with the different situation of those days there had been an effort to give it muscle!

We did not have much time to talk because you were busy. I told you I think it is possible to do something with the Kiss case but that there are special reasons why I can't be active or as specific as I presume you would like. You did not ask me, but I can make some suggestions. If he, you or anyone working on the case is in this area, I am willing to take the time. (And I do work a rather long day, too.) I am not familiar with the original investigation. My impression is that like most criminal investigations it was long but not long enough in the right ways on the nuts and bolts (as with the film) and short on the analysis.

As I assumed his innocence, so also did my wife, who worked with him and is one of those interviewed by the FBI, which, typically, failed to ask her the right questions. (I was not present.) She continues to have a high opinion of him.

For the moment I leave two thoughts with you and him. Those files were not in the Senate Office Building alone. And if Kiss establishes his own innocence, he will be ~~immin~~ incriminating someone else.

If it interests you, these other things. The court of appeals has been silent since the en banc rehearing of July 11. And I have asked Cox for access to evidence used in court and been denied. Richardson has violated Departmental regulations by not even responding to my appeal to him personally. What others, whose limited use could be depended upon, used in facsimile I can't even get to see. Court exhibits, too. I give these things special interpretations.

Sincerely,